REMARKS

The present amendment is submitted in response to the Office Action dated June 10, 2005, which set a three-month period for response, making this amendment due by September 10, 2005.

Claims 1-11 are pending in this application.

In the Office Action, claims 1, 2, 3, 4, 6, and 8 were objected to for various informalities. Claims 1-5, 7, and 9-11 were rejected under 35 U.S.C. 103(a) as being unpatentable over WO 00/39912 to Habele et al. Claim 6 was rejected under 35 U.S.C. 103(a) as being unpatentable over Habele in view of U.S. Patent No. 6,265,804 to Nitta et al. Claim 8 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Habele et al in view of U.S. Patent NO. 6,326,710 to Guenther et al.

In the present amendment, the specification was amended to add standard sectional headings and to delete reference to the claims.

The claims were amended to adopt standard U.S. claim format/phrasing and to address the noted objections.

With regard to the substantive rejection of the claims, the Applicant respectfully disagrees that the cited reference combinations render obvious the present invention as defined in claims 1-11.

First, the Applicant notes that the German priority document (DE 198 60 396) of the cited reference WO 00/39912 to Habele was discussed as prior art on page 1, line 5 through page 2, line 4 of the present application. As noted on

page 1, line 32 through page 2, line 11, the difference between the braking element as taught by the Habele reference and the braking element of the present invention is primarily the orientation of the rockerlike brake element relative to the direction of rotation.

Contrary to the Examiner's position, in the braking device of the Habele reference, the brake arm with the brake shoe is disposed on the rockerlike brake element ***on the leading end*** relative to the direction of rotation of the rotor, while the disengagement arm is oppositely disposed on the brake element on the trailing end. This is noted in the Habele reference on page 4, lines 17-20 and is claimed on page 9, claim 12. The direction of rotation is depicted in Figure 1 of the Habele reference by an arrow designated with reference numeral 40, while the brake shoe 31 is clearly disposed opposite the direction of rotation. This arrangement of the brake shoe on the leading end offers the advantage that the braking force acting on the brake shoe exerts a torque on the brake element as a result of which the contact pressure generated by the spring is reinforced.

In contrast, the present invention contemplates a braking device, in which the brake shoe is disposed on the brake element ***on the trailing end*** relative to the direction of rotation of the rotor.

The present invention is based on the recognition that the magnetic flux density on the yoke of the stator is greater on the leading end on than on the trailing end, so that the disposition of the brake shoe on the leading end, as described in the Habele reference, leads to a greater reduction in power than the disposition of the brake shoe on the trailing end as defined in claim 1 of the

present application. This effect overcompensates the self-reinforcement of the braking force as described in the Habele reference on page 4, lines 17-20.

Because the cited reference to Habele fails to disclose or mention disposing the brake shoe on the brake element ***on the trailing end*** relative to the direction of rotation of the rotor, the rejection of claim 1 under Section 103 must be withdrawn. The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification. ***In re Fritch***, 23 UPSQ 2d 1780, 1783-84 (Fed. Cir. 1992).

For the reasons set forth above, the Applicant respectfully submits that claims 1-11 are patentable over the cited art. The Applicant further requests withdrawal of the rejections under 35 U.S.C. 103 and reconsideration of the claims as herein amended.

Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,

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